

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Randy Walker,
Plaintiff,

v.

Performance Food Group, Inc., and
Mark Baltz,
Defendants.

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Case No. 1:25-cv-00469-ADA-SH

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Susan Hightower. Judge Hightower issued her report on June 18, 2025, recommending that the Court deny Plaintiff's Amended Motion to Remand.

Plaintiff timely objected to the report on July 2, 2025, so the Court has conducted a *de novo* review of this matter. 28 U.S.C. § 636(b)(1)(C) (providing that when a party objects to the magistrate's proposed findings and recommendations within fourteen days, "[a] judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made").

The Court agrees with Judge Hightower's conclusion that this Court has diversity jurisdiction, but the Court disagrees with her conclusion that this Court has federal-question jurisdiction. The Court lacks federal-question jurisdiction because Plaintiff removed his federal-law claims when he filed an amended complaint. *Royal Canin U. S. A., Inc. v. Wullschleger*, 604 U.S. 22, 25–26 (2025) (holding that when a plaintiff amends her complaint to delete the federal-law claims that enabled removal,

the court loses its supplemental jurisdiction over the remaining state-law claims and must remand the action).

Nonetheless, the Court agrees with Judge Hightower that Plaintiff's Amended Motion to Remand should be denied because the Court has diversity jurisdiction. Accordingly, it is **ORDERED** that the Report and Recommendation is **ADOPTED**, except as to the conclusion that this Court has federal-question jurisdiction. It is further **ORDERED** that Plaintiff's Amended Motion to Remand is **DENIED**.

SIGNED on July 9, 2025.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE